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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,154	01/24/2001	Takashi Ikeda	Q62762	3618

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EXAMINER	
NALVEN, ANDREW L	
ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/768,154	IKEDA, TAKASHI	
	Examiner	Art Unit	
	Andrew L Nalven	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☒ Claim(s) *4* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-11 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 4 is objected to because of the following informalities: The claim does not include a period. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 1, 4-5, 7-8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasamoto et al US Patent No 5,912,969 in view of Jones et al US Patent No 5,623,637. Sasamoto discloses an information receiving and recording apparatus including copyright protection.

6. With regards to claims 1 and 11, Sasamoto discloses a unique information storage means (Sasamoto, Figure 2 Item 403) for storing a first unique information item that specifies exclusively a pre-designated information encryption device (Sasamoto, column 3 lines 44-50), an encryption means for encrypting the distributed information that has been received with the first unique information item as an encryption key (Sasamoto, column 3 lines 55-60), and a decoding means for decoding the information that has been encrypted by the encryption means (Sasamoto, column 5 lines 3-7). Sasamoto fails to teach a second unique information item that corresponds to the first unique information item and used as a decoding key. Jones teaches a second unique information item that corresponds to the first unique information item and used as a decoding key (Jones, column 8 lines 47-51, Figure 3 Items 430 and 435). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Jones's second unique information item with Sasamoto's recording apparatus because it offers the advantage of it allows one of the keys to be made public such that a sender can encrypt data and only on the receiver with the private key can decrypt the data (Jones, column 1 lines 40-45).

7. With regards to claim 4, Sasamoto as modified teaches a data storage means for storing information that has been encrypted by the encryption means (Sasamoto, column 4 lines 1-18).

8. With regards to claim 5, Sasamoto as modified teaches the data storage means being constituted such that the storage medium into which encrypted information is

written is unexchangeable fixed in the information processor (Sasamoto, column 6 lines 25-41).

9. With regards to claim 7, Sasamoto as modified teaches a network interface means for taking in distributed information (Sasamoto, Figure 1 Items 2, 102, 201, 202).

10. With regards to claim 8 Sasamoto as modified teaches the first unique information item being stored before the information processor reaches a user (Sasamoto, column 3 lines 44-46).

11. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasamoto et al US Patent No 5,912,969 and Jones et al US Patent No 5,623,637 as applied to claim 1 above, and further in view of Nash US Patent No. 4,555,591.

12. With regards to claim 2, Sasamoto as modified above fails to teach the unique information storage means being a read-only storage medium that permits only reading of the unique information items that have been stored. Nash teaches the unique information storage means being a read-only storage medium that permits only reading of the unique information items that have been stored (Nash, column 2 lines 45-59, permanently burned and can only be read, Abstract). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Nash's method of making the storage medium read only with Sasamoto as modified because it offers the advantage of preventing the key from being altered by an attacker or read by a user outside of the encryption device (Nash, column 1 lines 7-13).

13. With regards to claim 9, Sasamoto as modified fails to teach the unique information storage means is provided with a register. Nash teaches the unique information storage means is provided with a register (Nash, column 2 lines 45-49). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Nash's method of using registers for unique information storing means with Sasamoto as modified because registers offer the advantage of extremely high speed data access.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasamoto et al US Patent No 5,912,969 and Jones et al US Patent No 5,623,637 as applied to claim 1 above, and further in view of Bruce Schneier's Applied Cryptography.

15. With regards to claim 3, Sasamoto as modified fails to teach the encryption and decoding key being the same. Schneier teaches the encryption and decoding key being the same (Schneier, Section 1.1, Page 3 Paragraph 4, Page 4 "Symmetric Algorithms"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Schneier's method of identical keys with Sasamoto's recording apparatus because it offers the advantage of allowing the use of symmetric key algorithms that offer high efficiency and performance and strong encryption (Schneier, Page 216, Section 10.2).

16. Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasamoto et al US Patent No 5,912,969 and Jones et al US Patent No 5,623,637 as

applied to claim 4 above, and further in view of Ansell et al US Patent No 6,367,019. Ansell discloses a copy security system for portable music players.

17. With regards to claim 6, Sasamoto as modified fails to teach the data storage means being constituted such that the storage medium into which encrypted information is written is interchangeably installed in the information processor. Ansell teaches the data storage means being constituted such that the storage medium into which encrypted information is written is interchangeably installed in the information processor (Ansell, column 9 lines 1-13). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ansell's method of making storage interchangeable with Sasamoto's recording apparatus because it offers the advantage of affording an owner of a digital storage unimpeded convenience of use of digital media by allowing use on a number of storages while maintaining copyright protection for the digital media (Ansell, column 1 line 66 – column 2 line 3, column 2 line 46 – column 3 line 15).

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasamoto et al US Patent No 5,912,969 and Jones et al US Patent No 5,623,637 as applied to claim 8 above, and further in view of Lee US Patent No. 5,790,663.

19. With regards to claim 10, Sasamoto as modified fails to teach the first unique information item being a serial number that is assigned to the information processor. Lee teaches the first unique information item being a serial number that is assigned to the information processor (Lee, column 5 lines 1-5). At the time the invention was

made, it would have been obvious to a person of ordinary skill in the art to utilize Lee's method of using serial numbers with Sasamoto as modified because it offers the advantage of allowing the unique identification of a processor that can facilitate tracing of a product in the field back to an original equipment manufacturer (Lee, column 1 lines 12-22).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Hampson US Patent No. 4,847,902 discloses a digital computer system for executing encrypted programs.

22. Stokes US Patent No. 6,473,861 discloses a magnetic optical encryption/decryption disk drive arrangement.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

Andrew Caldwell
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